

Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Kathleen (Katie) Steele Danner, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

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Financial Institutions  
and Professional Registration  
John M. Huff, Director

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<http://www.pr.mo.gov/realestate.asp>  
[realestate@pr.mo.gov](mailto:realestate@pr.mo.gov)

Joseph Denkler  
Executive Director

December 7, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
No. 9414 7266 9904 2037 3889 03

Whitney A Johnson  
WA Johnson Group LLC  
5020 Glenside Drive  
Kansas City MO 64129

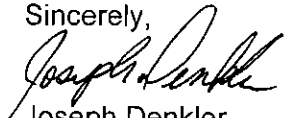
RE: Missouri Real Estate Commission vs. Whitney A. Johnson (2004005564) and  
WA Johnson Group LLC (2004034095)

Dear Ms. Johnson:

Please find enclosed a copy of the Complaint filed with the Administrative Hearing Commission, the Administrative Hearing Commission's Default Decision, and the Missouri Real Estate Commission's Findings of Fact, Conclusions of Law and Disciplinary Order in the above referenced case.

While the Commission is not imposing any discipline against your license in this matter, it requested I stress the importance and requirement that you respond to correspondence sent to you. I trust you will implement the necessary procedures to ensure your future compliance.

Sincerely,

  
Joseph Denkler  
Executive Director

JD/cmc

Enclosures

c: Curtis Schube (inter-agency mail)  
Whitney A. Johnson & WA Johnson Group LLC (regular mail)  
David F. Barrett (regular mail)

**BEFORE THE MISSOURI REAL ESTATE COMMISSION**

MISSOURI REAL ESTATE COMMISSION,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 15-00294RE
	)	
WHITNEY A JOHNSON	)	
and	)	
WA JOHNSON GROUP LLC,	)	
	)	
Respondents.	)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DISCIPLINARY ORDER**

On or about April 29, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Whitney A. Johnson and WA Johnson Group LLC*, No. 15-0294RE. In that Default Decision, the Administrative Hearing Commission found that Respondents Whitney A. Johnson's real estate broker associate license (license no. 2004005564) and WA Johnson Group LLC's real estate association license (license no. 2004034095) are subject to disciplinary action by the Commission pursuant to § 339.100.2(15), and (19) RSMo.<sup>1</sup>

The Missouri Real Estate Commission ("Commission") has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on December 3, 2015, at the Missouri Council of School Administrators, 3550

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<sup>1</sup>All Statutory References are to the Revised Statutes of Missouri, 2000, as amended, unless otherwise indicated.

Amazonas Drive, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondents' licenses. All of the members of the Commission were present throughout the meeting. Rosemary Vitale participated through conference call. Further, each member of the Commission that was present for the hearing has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Curtis Schube. Respondents having received proper notice and opportunity to appear,. Respondent Whitney A. Johnson did appear in person with legal counsel, David F. Barrett. Respondent WA Johnson Group LLC was represented by legal counsel, David F. Barrett. After being present and considering all of the evidence presented during the hearing, the Commission issues these following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

**I.**

**FINDINGS OF FACT**

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the findings of fact of the properly pled complaint, Default Decision and record of the Administrative Hearing Commission in *Whitney A. Johnson and WA Johnson Group LLC*, No. 15-0294RE, in its entirety and takes official notice thereof and hereby enters its findings of fact consistent therewith.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondents in a proper and timely fashion.

4. The Commission issued Whitney A. Johnson's real estate broker associate license 2004005564 and WA Johnson Group LLC's real estate association license 2004034095. Respondents' licenses were current at all times relevant to this proceeding.

## II.

### CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the conclusions of law of the properly pled complaint, and Default Decision issued by the Administrative Hearing Commission dated April 29, 2015, in *Missouri Real Estate Commission v. Whitney A. Johnson and WA Johnson Group LLC*, No. 15-0294RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated April 29, 2015, Respondents' real estate licenses are subject to disciplinary action by the Commission pursuant to § 339.100.2 (15), and (19) RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

## III.

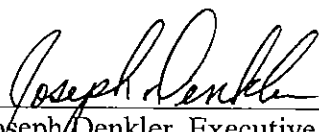
### ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the

Commission that in the above reference matter, it is the Order of the MREC, in its discretion, that no discipline be imposed against Whitney A. Johnson, license number 2004005564 and WA Johnson Group LLC, license number 2004034095.

SO ORDERED, EFFECTIVE THIS 7<sup>th</sup> DAY OF December, 2015

MISSOURI REAL ESTATE COMMISSION

  
\_\_\_\_\_  
Joseph Denkler, Executive Director

Before the  
Administrative Hearing Commission  
State of Missouri



MISSOURI REAL ESTATE COMMISSION, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
WHITNEY A. JOHNSON and )  
WA JOHNSON GROUP, LLC, )  
 )  
Respondents. )

No. 15-0294 RE

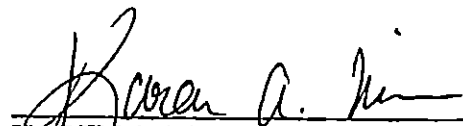
**DEFAULT DECISION**

On March 3, 2015, Petitioner filed a properly pled complaint seeking to discipline Respondents. Respondents were served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail before March 26, 2015.

More than thirty days have elapsed since Respondents were served. Respondents have not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondents establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on April 29, 2015.

  
\_\_\_\_\_  
KAREN A. WINN  
Commissioner

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

**MISSOURI REAL ESTATE  
COMMISSION**  
3605 Missouri Blvd.  
P.O. Box 1339  
Jefferson City, MO 65102-1339,

Petitioner,

v.

**WHITNEY A. JOHNSON**  
PO BOX 410173  
Kansas City, MO 64141-0173  
And,  
**WA JOHNSON GROUP, LLC**

Serve on: Whitney A. Johnson  
5020 Glenside Dr.  
Kansas City, MO 64129

Respondents.

**FILED**

MAR 02 2015

ADMINISTRATIVE HEARING  
COMMISSION

Case No. 15-0294 RE

**COMPLAINT**

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through its attorney, the Attorney General of the State of Missouri, states as follows for its cause of action against Respondents, Whitney A. Johnson ("Johnson") and WA Johnson Group, LLC ("WA"):

1. The MREC was established pursuant to § 339.120, RSMo,<sup>1</sup> for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.180, RSMo, and §§ 339.710 to 339.860, RSMo 2000, relating to real estate salespersons and brokers.

2. Johnson holds a license as a broker associate, no. 2004005564. Johnson's license was current and active at all times relevant herein.

3. WA holds a license as a real estate association, no. 2004034095. WA's license was current and active at all times relevant herein.

4. At all times relevant herein, Johnson was the designated broker of WA, under § 339.710, RSMo, and as such, Johnson bears responsibility for her own conduct as well as that of WA.

5. On January 6, 2014, the MREC sent a letter to Johnson and WA at their last registered address with the MREC informing them that they may not be in compliance with Rule 20 CSR 2250-4.030, because the fictitious business name for WA had expired. The expiration of the fictitious business name, while continuing to operate under that fictitious business name, is in violation of Rule 20 CSR 2250-4.030, which states:

Any broker doing business under any name other than  
the broker's legal name or any entity doing business

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<sup>1</sup>All statutory references are to the 2014 Cumulative Supplement to the Revised Statutes of Missouri unless otherwise noted.



under any name other than the name registered with the secretary of state, shall first comply with the provisions of sections 417.200-417.230, RSMo on the registration of fictitious names and shall furnish the commission a copy of the registration within ten (10) days of the receipt of the official registration from the secretary of state.

6. The January 6<sup>th</sup> letter also advised her that, according to 20 CSR 2250-8.170 (1), she had thirty (30) days from the date of the letter to respond in writing or there would be grounds for disciplinary action. Additionally, the letter noted 20 CSR 2250-4.030 which requires MREC licensee's to keep registration of fictitious names active.

7. On February 25, 2014, the MREC re-sent the January 6<sup>th</sup> letter to Johnson and WA renewing its request.

8. Johnson and WA did not respond in writing to the MREC's written requests.

9. Because Johnson and WA have failed to respond in writing to the MREC's written requests or inquiries, they have violated 20 CSR 2250-8.170(1), which states:

Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

10. By failing to maintain a fictitious business name and by failing to respond to MREC's inquiries, Johnson and WA demonstrated conduct which constitutes untrustworthiness, improper business dealings, bad faith, and misconduct.

11. Based on Johnson and WA's violation of 20 CSR 2250-8.170(1) and 20 CSR 2250-4.030, cause exists to discipline Johnson's and WA's licenses pursuant to § 339.100.2(15) and (19), RSMo Supp. 2013, which states:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

\* \* \*

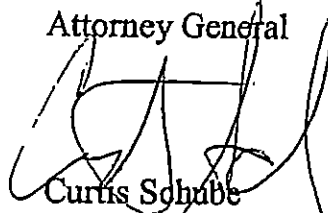
(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

\* \* \*

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

WHEREFORE, Petitioner requests the Administrative Hearing Commission to conduct a hearing in this case pursuant to §§ 621.015 to 621.205, RSMo, if necessary, and issue its Findings of Fact and Conclusions of Law that Petitioner may take disciplinary action against the real estate licenses of Respondents, Johnson and WA, for the violations noted above and for other such relief as the Commission deems appropriate.

CHRIS KOSTER  
Attorney General



Curtis Schube  
Assistant Attorney General  
Missouri Bar No. 63227

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